

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN**

In Re: SHORT, BRIAN J.
SS# XXX-XX-4971

CASE NO.: 08-10705 swd
HON. SCOTT W. DALES
CHAPTER 13

SHORT, DENISE A.
SS# XXX-XX-8376

DEBTORS' FIRST AMENDMENT TO CHAPTER 13 PLAN

Now come the Debtors and hereby amend their Chapter 13 Plan to strike from Article II, Paragraph 1(b) and Article II, Paragraph 4, Article II, Paragraph 6 and Article III, Paragraph 2, the provisions contained therein and substitute in place and stead the following:

II. TREATMENT OF CLAIMS

1. Debtors shall pay in full, in deferred cash payments, all allowed claims entitled to priority under 11 U.S.C. Section 507, including:
 - b) Attorney's fees to be paid through the Plan: Attorney's fees are to be paid at the rate of \$200.00 per hour of which the Debtors have paid zero. The balance of fees allowed by the U. S. Bankruptcy Court will be paid through the Chapter 13 Plan as an administrative expense. Any additional attorney fees as may be allowed are to be paid as an administrative expense through the Plan.
4. **The claims set forth below shall be deemed secured and treated as secured in an amount equal to the value of the collateral securing that claim less the amount of prior secured claims. The balance of the claim shall be treated as unsecured. If the underlying debt was incurred within 910 days preceding the filing of the petition, and the collateral for that debt consists of a motor vehicle acquired for the personal use of the Debtors, or if the collateral for that debt consists of any other thing of value, if the debt was incurred during the 1 year period preceding the filing of the petition, the entire debt shall be deemed secured.** Each creditor shall retain its lien to the extent of its allowed, secured claim until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under 11 U.S.C. Section 1328. The Debtor is the owner of the property serving as collateral for payment of the secured claims. Debtor is aware of the condition of the collateral and knows its value. The value is based upon disposition of said property in a commercially reasonable manner. Interest will accrue upon the claim at the contract rate of 5.25% per annum. All such claims shall be paid in equal monthly installments over a period of 42 months, commencing with the first payment becoming due 30 days after October, 2009, or the filing of this plan, whichever is earlier. . If additional sums are available from payments made by the Debtor, the Trustee shall have the discretion to increase the monthly installment to creditors in this class. Payments called for to be made pursuant to this paragraph shall be made by the Trustee upon confirmation of the

Debtor's Plan or upon entry of an Order providing for pre-confirmation payments and shall be deemed to constitute adequate protection of the interests of secured creditors under 11 U.S.C. Sec. 1326 (a)(1)(C).

CREDITOR	COLLATERAL	AMOUNT OF CLAIM	VALUE OF COLLATERAL	MONTHLY PAYMENT
Ford Motor Credit	2006 Ford 500	\$17,425.04	\$10,870.00	\$455.07

The claims of vehicle was incurred within 910 days or 365 days if non vehicle prior to the filing of Debtors' Bankruptcy proceeding and shall be paid in full with interest at the contract rate of 5.25% per annum.

6. The collateral on the following secured claims shall be surrendered to creditor. Any deficiency shall be paid as a general unsecured creditor pursuant to Article II, Paragraph 7 of Debtors' Chapter 13 Plan

CREDITOR	NATURE OF DEBT	AMOUNT OF CLAIM
Citimortgage	1 st Mortgage 5066 Brookside Ct. Montague, MI 49437	\$115,279.00
Citimortgage	2 nd Mortgage 5066 Brookside Ct. Montague, MI 49437	\$ 27,960.00
Chemical Bank	Vacant land	\$ 25,195.00
City of Montague	Property taxes 5066 Brookside Ct. Montague, MI 49437	\$ 2,529.00
Claybanks Township Treasurer	Property taxes Vacant land Montague, MI 49437	\$ 539.86

III. OTHER PROVISIONS

2. The following claims are excluded and will be paid directly by Debtors outside the Chapter 13 Plan, in whole or in part as indicated, and not provided for by the Plan for the reason set forth:

The Oceana County Friend of the Court will be paid directly by the Debtors via payroll deduction from the paycheck of Debtor, Brian J. Short.

In all other respects, Debtors' proposed Chapter 13 Plan shall remain unaltered.

Dated:

9/28/09

/s/

Brian Short

Brian J. Short

Dated:

9/28/09

/s/

Denise A. Short

Denise A. Short